

§ 358. Rights under prior leases; priority of pending applications; exchange of leases

Nothing in this chapter shall affect any rights acquired by any lessee of lands subject to this chapter under the law as it existed prior to August 7, 1947, and such rights shall be governed by the law in effect at the time of their acquisition; but any person qualified to hold a lease who, on August 7, 1947, had pending an application for an oil and gas lease for any lands subject to this chapter which on the date the application was filed was not situated within the known geologic structure of a producing oil or gas field, shall have a preference right over others to a lease of such lands without competitive bidding. Any person holding a lease on lands subject hereto, which lease was issued prior to August 7, 1947, shall be entitled to exchange such lease for a new lease issued under the provisions of this chapter, at any time prior to the expiration of such existing lease.

(Aug. 7, 1947, ch. 513, § 9, 61 Stat. 915.)

OUTER CONTINENTAL SHELF; JURISDICTION OF UNITED STATES; VALIDATION OF PRIOR LEASES

Jurisdiction of United States over outer Continental Shelf, grant of leases on submerged lands thereof, and validation of prior leases, see section 1331 et seq. of Title 43, Public Lands.

§ 359. Rules and regulations

The Secretary of the Interior is authorized to prescribe such rules and regulations as are necessary and appropriate to carry out the purposes of this chapter, which rules and regulations shall be the same as those prescribed under the mineral leasing laws to the extent that they are applicable.

(Aug. 7, 1947, ch. 513, § 10, 61 Stat. 915.)

REFERENCES IN TEXT

For definition of “mineral leasing laws”, see section 351 of this title.

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior to promulgate regulations under this chapter relating to fostering of competition for Federal leases, implementation of alternative bidding systems authorized for award of Federal leases, establishment of diligence requirements for operations conducted on Federal leases, setting of rates for production of Federal leases, and specifying of procedures, terms, and conditions for acquisition and disposition of Federal royalty interests taken in kind, transferred to Secretary of Energy by section 7152(b) of Title 42, The Public Health and Welfare. Section 7152(b) of Title 42 was repealed by Pub. L. 97-100, title II, § 201, Dec. 23, 1981, 95 Stat. 1407, and functions of Secretary of Energy returned to Secretary of the Interior. See House Report No. 97-315, pp. 25, 26, Nov. 5, 1981.

§ 360. Authority to manage certain mineral leases

Each department, agency and instrumentality of the United States which administers lands acquired by the United States with one or more existing mineral lease shall transfer to the Secretary of the Interior the authority to administer such lease and to collect all receipts due and payable to the United States under the lease. In the case of lands acquired on or before October 24, 1992, the authority to administer the

leases and collect receipts shall be transferred to the Secretary of the Interior as expeditiously as practicable after October 24, 1992. In the case of lands acquired after October 24, 1992, such authority shall be vested with the Secretary at the time of acquisition. The provisions of section 355 of this title shall apply to all receipts derived from such leases where such receipts are due and payable to the United States under the lease in the same manner as such provisions apply to receipts derived from leases issued under the authority of this chapter. For purposes of this section, the term “existing mineral lease” means any lease in existence at the time land is acquired by the United States. Nothing in this section shall be construed to affect the existing surface management authority of any Federal agency.

(Aug. 7, 1947, ch. 513, § 11, as added Pub. L. 102-486, title XXV, § 2506(b), Oct. 24, 1992, 106 Stat. 3106.)

CHAPTER 8—DEVELOPMENT OF LIGNITE COAL RESOURCES

Sec.

- 401. Establishment of research laboratory; duties.
- 402. Acquisition of lands and property; utilization of voluntary services; cooperation with other Federal, State, and private agencies.
- 403. Repealed.
- 404. Establishment of an advisory committee; composition and appointment.

§ 401. Establishment of research laboratory; duties

The Secretary of the Interior, acting through the United States Bureau of Mines, is authorized and directed to establish, equip, and maintain a research laboratory in the lignite-consuming region of North Dakota to conduct researches and investigations on the mining, preparation, and utilization of lignite coal and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for lignite coal and its products. Such laboratory shall be planned as a center for information and assistance in matters pertaining to conserving lignite coal resources for national defense and security; to the more efficient mining, preparation, and utilization of lignite coal; and pertaining to safety, health, and sanitation in mining operations and other matters relating to problems of the lignite industry.

(Mar. 25, 1948, ch. 146, § 1, 62 Stat. 85.)

TRANSFER OF FUNCTIONS

See note set out under section 1 of this title.

APPROPRIATIONS

Section 5 of act Mar. 25, 1948, provided that: “In order to carry out the purposes of this Act [enacting this chapter] there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of (a) \$750,000 for the erection and equipment of a building or buildings, including plumbing, lighting, heating, general service, and experimental equipment and apparatus, the necessary roads, walks, and ground improvement, and land for the site of the building if no land is donated; and (b) \$250,000 annually for the maintenance and operation of the experimental station, including personal services, supplies, equipment, and expenses of travel and subsistence.”

§ 402. Acquisition of lands and property; utilization of voluntary services; cooperation with other Federal, State, and private agencies

For the purpose of this chapter the Secretary, acting through the United States Bureau of Mines, is authorized to acquire land and interests therein, and to accept in the name of the United States donations of any property, real or personal, and to utilize voluntary or uncompensated services at such laboratory. The Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, and State agencies and institutions, counties, municipalities, business or other organizations, corporations, associations, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

(Mar. 25, 1948, ch. 146, § 2, 62 Stat. 85.)

TRANSFER OF FUNCTIONS

See note set out under section 1 of this title.

§ 403. Repealed. Pub. L. 93-608, § 1(12), Jan. 2, 1975, 88 Stat. 1969

Section, act Mar. 25, 1948, ch. 146, § 3, 62 Stat. 85, required Secretary of the Interior, acting through Bureau of Mines, to report to Congress on activities, expenditures, etc., of laboratory.

§ 404. Establishment of an advisory committee; composition and appointment

The Secretary of the Interior, acting through the United States Bureau of Mines, may, in his discretion, create and establish an advisory committee composed of not more than six members to exercise consultative functions, when required by the Secretary, in connection with the administration of this chapter. The said committee shall be composed of representatives of lignite coal-mine owners, of representatives of lignite coal-mine workers and the public in equal number. The members of said committee shall be appointed by the Secretary of the Interior without regard to the civil-service laws.

(Mar. 25, 1948, ch. 146, § 4, 62 Stat. 85.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

TRANSFER OF FUNCTIONS

See note set out under section 1 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of

a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

**CHAPTER 9—RARE AND PRECIOUS METALS
EXPERIMENT STATION**

Sec.

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| 411. | Establishment and operation of experimental plant. |
| 412. | Acquisition of lands and interests; acceptance of money and property; disposition and use of money. |

§ 411. Establishment and operation of experimental plant

The Secretary of the Interior, acting through the United States Bureau of Mines, is authorized and directed to establish, equip, and maintain a research laboratory at Reno, Nevada, for research, investigation, and as a center for information and assistance in matters pertaining to the mining, preparation, metallurgy, use, and conservation of the rare and precious metals of the Sierra Nevada mining region, and pertaining to other problems affecting the mining industry of that region.

(June 21, 1950, ch. 338, § 1, 64 Stat. 248; Pub. L. 102-285, § 10(b), May 18, 1992, 106 Stat. 172.)

CHANGE OF NAME

"United States Bureau of Mines" substituted in text for "Bureau of Mines" pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title.

APPROPRIATIONS

Section 3 of act June 21, 1950, provided that: "In order to carry out the purposes of this Act [enacting this chapter] there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of (a) \$750,000 for the erection and equipment of a building or buildings, including plumbing, lighting, heating, ventilation, general service, experimental equipment and apparatus, the necessary roads, walks, and ground improvements; and (b) \$250,000 annually for the maintenance and operation of the experiment station, including personal services, supplies, equipment, and expenses of travel and subsistence."

§ 412. Acquisition of lands and interests; acceptance of money and property; disposition and use of money

For the purposes of this chapter the Secretary, acting through the United States Bureau of Mines, is authorized to acquire land and interests therein; to receive and accept money and property, real or personal, or interests therein, and services as a gift, bequest, or contribution; and may conduct activities or projects in cooperation with any person, firm, agency, or organization, Federal, State, or private. Money so received shall be deposited in the Treasury of the United States in a special fund or funds for disbursement by the United States Bureau of Mines and shall remain available for the purposes for which received and accepted until expended.

(June 21, 1950, ch. 338, § 2, 64 Stat. 248; Pub. L. 102-285, § 10(b), May 18, 1992, 106 Stat. 172.)